AGENDA

THE HAMILTON COUNTY REGIONAL PLANNING COMMISSION Room 805, County Administration Building 138 East Court Street

Cincinnati, OH 45202

APRIL 2, 2015

Administrative Session – 12:30 PM
Public Hearing – 1:00 PM
Development Review Session – immediately following Public Hearing

James Obert, Chairperson/Presiding Officer

1. ADMINISTRATIVE SESSION

SESSION CALLED TO ORDER ROLL CALL OF COMMISSIONERS

ADMINISTRATIVE ACTIONS:

A. ADM10: Disposition of Minutes, March 5, 2015 Regular Meeting

B. ADM11: RPC Financial Report

C. ADM12: Green Township Contract for Planning Services

D. ADM13: MSD Contract for Planning Services

PROGRAM REPORTS:

Zoning Services Systems / Data Products
Planning Partnership Community Planning
Community Development OKI Board of Trustees

Other Reports

2. DEVELOPMENT REVIEW SESSION (1:00 PM)

SESSION CALLED TO ORDER

SUBDIVISION VARIANCE:

A. NAME: Green 15-01; Mulch Lot/Gary Rains Body Shop Subdivision Variance

REQUEST: To divide the parcel into two lots with the northern most parcel containing Gary Rains Body

Shop using the adjacent Frondorf Avenue stub street as legal frontage

PURPOSE: To split one lot into two lots with frontage

APPLICANT: Gary N Rains (owner); Jamie Bettis, The Mulch Lot (applicant)

LOCATION: Green Township: 6500 Glenway Avenue; on the eastern side of Glenway Avenue

(Book 550, Page 120, Parcel 442)

COUNTY ZONING MAP AMENDMENT:

A. NAME: Miami 2015-01; Miami Heights Square REQUEST: From: "A-2" Single-family Residence

To: "EE" Planned Retail

PURPOSE: To construct a 3-building commercial development containing restaurant, retail and office

space with 199 parking spaces

APPLICANT: Rakesh Ram, City View, LLC. (applicant); Three Rivers Local School District BOE (owner) LOCATION: Miami Township: 7670 Bridgetown Road; on the east side of the intersection of Bridgetown

Road and Jandaracres Drive - site of former Three Rivers School (Book 570, Page 40,

Parcel 27)

TOWNSHIP ZONING MAP AMENDMENT:

A. NAME: Colerain ZA2015-02; 3672-3720 Springdale Road

REQUEST: From: "R-4" Residential

To: "B-2" General Business District

PURPOSE: To rezone and develop the property for commercial use

APPLICANT: Steve Dragon, Vandercar (applicant), Betty Jane McHenry, Jeffrey A Wood TR, Herbert

Reckelhoff, Jered D Strum & Gennah L Duclo, James R & Allene, Matthew J & Donna M

Vilas (owners)

LOCATION: Colerain Township: 3672-3720 Springdale Road; on the southeast corner of Springdale

Road and Flattop Drive intersection (Book 510, Page 103, Parcels 73-79)

TOWNSHIP ZONING TEXT AMENDMENT:

A. NAME: Colerain 2015-01; Text Amendment

REQUEST: To amend the Colerain Township Zoning Resolution to revise Article 3 – Administration PURPOSE: To revise language related to the procedural conventions in which the Board of Zoning

Appeals formalizes decisions

INITIATED BY: Colerain Township Zoning Commission

3. ADJOURNMENT

NOTE: Individuals with disabilities requiring special accommodations to participate in or attend any meeting or hearing should call the Planning & Development Department at 946-4550 seven days prior to the meeting.

>>>FOR ADDITIONAL INFORMATION ON ANY AGENDA ITEM, PLEASE CALL 946-4550<

HAMILTON COUNTY REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS MARCH 5, 2015

PAGE 1

SUMMARY OF ACTIONS

PRESIDING OFFICER:

Obert

MEMBERS PRESENT: MEMBERS ABSENT:

Franke, Linnenberg, Obert, Okum, Simpson Sprague, Stillpass (Simpson left at 2:15pm)

STAFF PRESENT:

T. Kinskey, B. Snyder, J. Huth, E. Fazzini, B. Stratton

LOCATION:

Room 805, Administration Building

TIME:	12:30 PM - 3:15 P	M			
	AGE	RPC ACTION	VOTE		
ADMINISTRATIVE ITEMS:	ADM07: Disposition of Minutes, February 5, 2015 ADM08: RPC Financial Report ADM09: Frank Ferris II Planning Award Development of a Plan - The Village of Evendale Bike and Pedestrian Plan Implantation of a Plan - The City of Deer Park 2035 Vision Plan - Implementation Category		Approval Approval Approval	5-0-0 5-0-0 4-0-0	
	AGENDA ITEM	AMENDMENT REQUEST	RPC ACTION	VOTE	CONDITIONS & CODES
TOWNSHIP ZONING MAP AMENDMENT:	Green 2015-02; North Bend UDF	From: "C" Residence and "E" Retail To: "EE" Planned Retail	Approval	5-0-0	1,2,3
	Sycamore 2015-08Z; Sycamore Plaza	From: "E" Retail To: "EE" Planned Retail	Approval	4-0-0	1,2
	AGENDA ITEM		RPC ACTION	VOTE	
TOWNSHIP TEXT AMENDMENT:	Anderson 2015-01; Text Amendments		Approval	4-0-0	
ATTEST:	Chairman:	Secre	etary:		-
 Approval subject to Approval subject to report. Approval subject to Approval subject to Approval pending to Approval pen	TIONS AND CODES o standard covenants. o conditions recommended in to o conditions recommended by receipt of favorable reports. epted for processing. al after review of compliance w licant. icant.	MSD - Metropolitan S ODOT- Ohio Department the RPC. SCS - US Soil conse Water Conser DPW - Hamilton Cour ENG - Hamilton Cour ZNG - Hamilton Cour	ent of Transpor rvation Service vation Dist nty Department nty Engineer nty Zoning Adm Prevention Off nning/Zoning Of	tation , Hamilton of Public V sinistrator icer	County Soil &

PAGE 2

	ADMINISTRATIVE ITEMS			
ADM07:	DISPOSITION OF MINUTES			
MOTION:	To approve the minutes of the Regular Meeting of the Regional Planning Commission,			
	February 5, 2015.			
	Moved: Simpson Second: Linnenberg			
VOTE:	AYE: 4 Franke, Linnenberg, Okum, Simpson			
	NAY: 0			
	ABSTAIN: 1 Obert			
ACTION:	APPROVAL			
ADM08:	RPC FINANCIAL REPORT			
MOTION:	To approve the RPC Financial Report for February 2015 as presented.			
	Moved: Linnenberg Second: Okum			
VOTE:	AYE: 5 Franke, Linnenberg, Obert, Okum, Simpson			
	NAY: 0			
	ABSTAIN: 0			
ACTION:	APPROVAL			
ADM09:	FRANK FERRIS II PLANNING AWARD			
MOTION:	To award the Frank F. Ferris II Planning Award to the City of Deer Park 2035 Vision Plan in the Implantation of a Plan category and to the Village of Evendale Bike and Pedestrian Plan in the			
	Development of a Plan category and to the village of Evendale blke and redestrian relation the			
	Moved: Obert Second: Franke			
VOTE:	AYE: 4 Franke, Linnenberg, Obert, Okum, Simpson			
	NAY: 0			
	ABSTAIN: 0			
ACTION:	APPROVAL			
PRESENTATION	THOROUGHFARE PLAN - STEVE JOHNS			
BY STAFF:				
ADJOURNMENT:	The meeting was adjourned at 3:15 PM			
ATTEST:	Chairman: Secretary:			
ALIMOTI	Octobally.			

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Regional Planning Commission meeting.

RECORD OF PROCEEDINGS – MARCH 5, 2015

PAGE 3

ZONE AMENDMENT:

GREEN 2015-02; NORTH BEND UDF

REQUEST:

From:

"C Residence and "E" Retail

To:

"EE" Planned Retail

PURPOSE:

To demolish several commercial buildings and residences to construct a United Dairy

Farmers and associated fuel pumps

APPLICANT:

Robert G. Rothert, Abercrombie & Associates, Inc. (applicant); William R & Lois T Nicholson; Jeanette Mazzaro, William & Wanda Cochran; Irwin J & Lois J Hauck; Brenda C Smith, J Bruce & Pamela Jayne Greely Suits; and James K Reynolds (owners)

LOCATION:

Green Township: 4108 North Bend Road, at the southeastern intersection of North Bend Road and Westwood Northern Boulevard (Book 550, Page 61, Parcels 158-172, 185-192,

232, 254 and 263)

TRACT SIZE:

3.55 gross acres; 2.21 net acres

REPORTS:

RECEIVED: Twp. Trustees (TT)

PENDING: Dept. Public Works (DPW), Metro. Sewer District (MSD), Fire Prevention Off. (FPO), Cincinnati Water Works (CWW), H. C. Soil & Water (HCSW), Ohio Dept. of

Transpo. (ODOT)

SPEAKERS:

J. Huth, T. Kinskey, A. Goetzman, T. Kling, J. Johnston, C. Ciresi, B. Suits

DISCUSSION:

(Summary of Topics)

Staff Comments:

- 1. J. Huth Review of staff report.
- 2. T. Kinskey Suggests between this meeting and the next meeting staff work with the applicant to address additional signage for the site.
- 3. Staff was unaware of the potential improvements noted by Mr. Goetzman earlier but staff did toy around with a right in/right out on North Bend Road but additional signage at the entry of Alpine would help alleviate additional traffic.
- 4. If the board still feels uneasy about the project the board could further recommend in the motion that the Township review their Land Use Plan.

Public Official Comments:

- 1. A. Goetzman The Trustees will be engaging in a Land Use Plan update but are very interesting in supporting this zone change with the county staff's conditions.
- 2. Have had preliminary conversations with the city of Cheviot about road improvement projects for this intersection and will be implemented closer to 2016/2017 and will eventually relieve substantial improvements to this area.

Applicant Comments:

- 1. T. Kling Working with Green Township and the county on dedicating right-of-way along North Bend Road. There will be 100 feet of right-of-way for this project.
- We felt it important to have the multiple means of entry and exit from the site. By having access on Alpine Place it will help serve local residents living on Alpine who will want to get into the store; it will also provide another means to get out of the site in the event there are fueling operations that are taking place by tanker trucks.
- 3. The dumpster will be constructed with a brick stone enclosure matching the facade of the building and will be fully enclosed with wrought iron gates.
- 4. Clarified that there will be 7 pumps with 14 fueling positions.
- 5. Sidewalks will be provided on North Bend Road, Westwood Northern Blvd. and Alpine Place as well.
- 6. Originally a retaining wall was proposed along the west portion of the property but have since revised the plan to show that the foundation wall of the building will serve as the retaining wall which will now allow for 30 feet of greenspace between the Page 7 of 66

- project and the adjoining property owner. By doing this, we no longer feel a fence is beneficial.
- 7. Originally, after studying the site, we had proposed one freestanding sign on the corner which is typical for UDF stores but we would like to see if the board could add into their conditions if the site would warrant possibly a second monument sign possibly along North Bend Road, just before the curb cut.
- 8. **J. Johnston** Spoke about the mechanical units. The refrigeration equipment is virtually silent. The location of the units has never been an issue in any of our other store locations that he is aware of and believes it is appropriate for its location.
- 9. The proposed dumpster location will afford us to illuminate the area with better security for our employees.
- 10. We do not typically create perishable food products that will omit odors from our stores. Hot dogs and packaged sandwiches are the only items that are eaten and taken off site. We do not have a kitchen that would create smells and should not be a concern.

Public Comments:

- C. Ciresi The way of life for the residents along Alpine Place will change dramatically. Has concerns with noise, safety/vandalism, the number of curb cuts(specifically with the one on Alpine Place), encourages additional turn-arounds on Alpine Place which is a dead-end street, removal of the greenspace, a "bottleneck" effect with traffic, foot traffic, privacy, and a decline in property values.
- 2. **B. Suits** Property will be taken as part of the project and is in favor of the project but still has concerns for his neighbors. Would like to ask about Lombardi Poplars being used instead of the proposed Norway Spruces.

Commissioner Comments:

- Commissioner Okum Would not support moving the dumpster to the Northeast area of the site near the street. The only other option he would be in favor of is having it be held against the building away from the street.
- 2. Cannot support two multi-function access points two driveways being functionally the same.
- 3. If a curb cut is given on Alpine Place then would like to see the driveway on North Bend be a right in /right out to prevent the cross traffic conflict on Alpine Place to protect the residents. But if there is no curb cut added along Alpine Place then would be in favor of a fully functional somewhat difficult left out of UDF onto North Bend.
- 4. In support of heaving landscaping on the eastern rear property line in lieu of a fence.
- 5. **Commissioner Simpson** Feels satisfied with the screening of the dumpster but has concerns with the odors omitted and the distance from the store to the adjoining neighbors.
- 6. Not sure about the curb cut on Alpine Place. Is comforted that the Township will address the issue of traffic but worries about eliminating it all together but also understands the challenges of the residents.
- 7. **Commissioner Obert** Based on past experience trying to get out of a UDF does see a need for multiple curb cuts.
- 8. Would be interested in seeing a right turn only when exiting Alpine Avenue to alleviate traffic.
- 9. Concern about a right in/right out on Alpine is that anyone coming southbound would be encouraged to use Alpine contrary to the global desire to reduce the amount of traffic on Alpine.
- 10. Commissioner Linnenberg The traffic problems will ultimately solve themselves and does not see a need for a curb cut on Alpine Place. Only sees the need for two curb cuts for the entire site and the concern about how people are going to get in and get out of the site will work itself out.
- 11. **Commissioner Franke** Questioned how the staff has found consistency with the Land Use Plan in the past? At the end of the day the Land Use Plan is not going to be consistent. My vote will be no for this project and will change my vote from earlier.

HCRPC Record of Proceedings Green 2015-02; North Bend UDF March 5, 2015 Page 3.2

	the upd	ate.				
MOTION:		To accept staff findings that consistency with the adopted land use plan is required and that the zone amendment can achieve consistency with the adopted land use plan.				
	Moved:	Simpso	n Second: Okum			
VOTE:	AYE: NAY: ABSTAIN:	5 0 0	Simpson, Linnenberg, Franke, Okum, Obert			
MOTION:	Green 2015 and "E" Re	5-02; Nor tail to "E	with the adopted land use plan and to recommend approval of case th Bend UDF, a request for a Zone Amendment from C" Residence E" Planned Retail, subject to the standard covenants for planned wing conditions:			
	Moved:	Okum	Second: Linnenberg			
VOTE:	AYE: NAY: ABSTAIN:	5 0 0	Simpson, Linnenberg, Franke, Okum, Obert			
MOTION:		To further recommend that the Green Township Trustees amend the Land Use Plan to take into account the decision made today.				
	Moved:	Okum	Second: Franke			
VOTE:	AYE: NAY: ABSTAIN:	5 0 0	Simpson, Linnenberg, Franke, Okum, Obert			
RPC	7.0017.114.	Ü				
RECOMMENDATION:	(To the Han		unty Rural Zoning Commission) nditions			
ATTEST:	Chairman:		Secretary: Du. Cully			
			· · · · · · · · · · · · · · · · · · ·			
Note: This Record of P	roceedings is not a	n exact tr	anscription, but a condensed version representing the ideas			

expressed at the Regional Planning Commission meeting.

12. Noted his final vote was based on the expectation that the Land Use Plan will change with the update. The only reason he is voting for this is because of the proximity of

HCRPC Record of Proceedings Green 2015-02; North Bend UDF March 5, 2015 Page 3.3

Attachment A

The Regional Planning Commission recommends approval of case Green 2015-02; North Bend UDF, a request for a Zone Amendment from "C" Residence and "E" Retail to "EE Planned Retail, with the following conditions:

Conditions:

- 1. That a landscape plan in compliance with the requirements of the Zoning Resolution, and with these conditions and modifications, shall be submitted as part of the Zoning Compliance Plan.
- 2. That a lighting plan in compliance with the requirements of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan.
- 3. That the area identified as "Prop. Tree Save Area" on the submitted plan shall remain undisturbed and the existing vegetation in this area shall not be removed and in addition, a minimum of 8 evergreen trees shall be planted adjacent to or within the "Prop. Tree Save Area" along the southern property line.
- 4. That <u>AT THE</u> a six foot high privacy fence or wall shall be constructed ten feet from the eastern property line adjacent to 3340 Alpine Place and that a boundary buffer shall be planted with twice the number of required plantings. east of the fence or wall.
- 5. That the proposed dumpster shall be relocated to the northern portion of the site and shall be screened in accordance with the dumpster screening requirements of the Zoning Resolution.
- 6. That access into the site including the number and location of the proposed curb cuts shall be approved by the County Engineer.
- 7. That sidewalks shall be required along North Bend Road and Alpine Place.
- 8. That all mechanical equipment shall be screened in compliance with the requirements of the Zoning Resolution and details shall be submitted as part of the Zoning Compliance Plan.
- 9. That the site shall be permitted a maximum of one freestanding monument sign located near the North Bend Road and Westwood Northern Boulevard intersection at a maximum of 12 feet in height and 50 square feet in area per side for each sign.
- 10. THAT THE PROJECT BE BUILT PER THE PLANS SUBMITTED TODAY REGARDING THE REAR ELEVATION INCLUDING THE LANDSCAPING BUFFER.

Note: Revisions of the Staff recommendations as approved by the Regional Planning Commission are crossed out if deleted (i.e. deleted by RPC) and shown underlined and in uppercase if added (i.e. ADDED BY RPC).

HAMILTON COUNTY REGIONAL PLANNING COMMISSION

RECORD OF PROCEEDINGS – MARCH 5, 2015

PAGE 4

ZONE AMENDMENT:

SYCAMORE 2015-08Z; SYCAMORE PLAZA

REQUEST:

From:

"E" Retail

To:

"EE" Planned Retail

PURPOSE:

To bring the existing Sycamore Plaza shopping center under a uniform set of planned development regulations and to construct a two-story Dick's Sporting Goods, additional retail space, and a roundabout with other traffic improvements on the north end of the existing main building

APPLICANT:

Richard B. Tranter, Dinsmore & Shohl LLP (applicant); BRE DDR Crocodile Sycamore

Plaza LLC (owner)

LOCATION:

Sycamore Township: on the southeast corner of the intersection of Kenwood Road and Montgomery Road (Book 600, Page 80, Parcels 74, 75, 178, 496, 750, 756, 758)

TRACT SIZE:

31.67 acres

REPORTS:

RECEIVED: PENDING: TT

SPEAKERS:

E. Fazzini, T. Kinsley, K. Deroy, H. Holbert

DISCUSSION:

(Summary of Topics)

Staff Comments:

- 1. E. Fazzini- Review of staff report
- 2. T. Kinskey The challenge on this site is that it is being redeveloped largely on a site that was built under single letter zoning. In 1996, the county introduced the PUD for commercial sites where it is triggered by the impervious surface ratio. In 1998, Sycamore took over local zoning control and the site has been governed under similar regulations ever since. On sites like this the question becomes do you make the entire site come up to code or do you work with the applicant to make it work in different portions as the site is redeveloped. Our view is that it should continue to be reviewed as different portions are redeveloped in order to comply with code.

Applicant Comments:

- 1. **K. Deroy** A lot of the questions that are being brought up are more engineering related and not sure he can answer but will try to do his best.
- 2. Explained to the board the owners have no intention to separate the parcel and not sure why the plans had shown the greyed area.

Public Official Comments:

- 1. **H. Holbert** Thanked the staff for the review of the property.
- 2. The Township is working with ODOT on redesigning a gateway plan at the intersection of Montgomery and Kenwood Roads (around the Jared and Firestone store locations).
- 3. Looking at adding additional trees and landscaping to beautify the entire area.
- 4. The area in question with the roundabout will actually reduce the ISR. This is the first phase of two phases in the renovation of the site.
- 5. Interior landscaping will be looked by the Township officials during their review period and parking requirements will be adhered to.

HCRPC Record of Proceedings Sycamore 2015-08Z; Sycamore Plaza March 5, 2015 Page 4.1

6. The Township feels that the sign package that was submitted by the applicant is very excessive for the overlay district and will be looked at again by the Township.

Commissioner Comments:

- 1. Commissioner Linnenberg There is a significant lack of greenspace on the site.
- 2. **Commissioner Okum** Had concerns with the alarming number of parking spaces and the ISR of the site. It has a massive impact on the water runoff on the site.
- 3. Pointed out on the plans the grey area and was curious to know if the parcel was going to be separated.
- 4. Agrees that the signage proposed is significantly excessive but the distance from the roadway to the building should be a big consideration.

MOTION:		To consider approval of case Sycamore 2015-08A; Sycamore Plaza, a request for a Zonamendment from "E" Retail to "EE" Planned Retail with conditions per Attachment A.		
	Moved:	Okum	Second: Linnenberg	
VOTE:	AYE: NAY: ABSTAIN:	4 0 0	Okum, Linnenberg, Franke, Obert	
RPC RECOMMENDATION:	(To the Sycamore Township Zoning Commission) APPROVAL with Conditions		· · · · · · · · · · · · · · · · · · ·	
ATTEST:	Chairman:	ill	Secretary: DW. Kunk	

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Regional Planning Commission meeting.

HCRPC Record of Proceedings Sycamore 2015-08Z; Sycamore Plaza March 5, 2015 Page 4.2

Attachment A

The Regional Planning Commission recommends approval of case Sycamore 2015-08Z; Sycamore Plaza a request for a Zone Amendment from "E" Retail to "EE" Planned Retail, subject to the standard covenants for planned districts and the with the following conditions:

Conditions:

- 1. That onsite pedestrian safety and access improvements along Kenwood Road shall be coordinated and required by the Township.
- 2. That right-of-way along Montgomery and Kenwood Roads shall be dedicated in compliance with the Hamilton County Thoroughfare Plan.
- 3. That a comprehensive parking lot summary table shall be submitted indicating compliance with the Zoning Resolution parking requirements and permitted adjustments.
- 4. That building signage shall be permitted in accordance with the existing LASR plan.
- 5. That as portions of the site are reconstructed or redeveloped over time, to any degree, that conformance with all provisions of the Zoning Resolution shall be considered for the associated area of improvements by the Township Zoning Commission as part of a public hearing.

Note: Revisions of the Staff recommendations as approved by the Regional Planning Commission are crossed out if deleted (i.e. deleted by RPC) and shown underlined and in uppercase if added (i.e. ADDED BY RPC).

HAMILTON COUNTY

REGIONAL PLANNING COMMISSION RECORD OF PROCEEDINGS - MARCH 5, 2015 PAGE 5 CASE: **ANDERSON 2015-01; TEXT AMENDMENTS** REQUEST: To reformat the entire Anderson Township Zoning Resolution and including miscellaneous text amendments. **PURPOSE:** To reformat the entire Anderson Township Zoning Resolution to consolidated and renumber sections, improve the flow from beginning to end, make regulation locations more intuitive, include new diagrams and coloring to improve the appearance and usability of the document, and to make several minor text amendments. **INITIATED BY:** Anderson Township Board of Township Trustees B. Snyder, P. Drury SPEAKERS: **DISCUSSION:** (Summary of Topics) Staff Comments: 1. B. Snyder - Review of staff report. **Public Official Comments:** 1. P. Drury – Portions of our current zoning resolution date back to 1949 and have been proactive about updating it but over time with changing trends but with that comes new formatting and it is very difficult to read. This document will be much cleaner, better organized, and easier to read online, hyperlinks will be enabled, and the public may access it on their smart phones. Looking at it as an economic development tool as well. 2. The Township agrees with the staff comments and have been working with a consultant. **MOTION:** To consider case Anderson 2015-01; Text Amendments, a request for approval of zoning text amendments to the Anderson Township Zoning Resolution as initiated by the Anderson Township Board of Township Trustees and modified to address the concerns discussed in the staff report. Moved: Franke Second: Linnenburg VOTE: AYE: Franke, Linnenberg, Okum, Obert 0

NAY:

ABSTAIN: 0

RPC

RECOMMENDATION:

(To the Anderson Township Zoning Commission)

APPROVAL

ATTEST:

Chairman:

Secretary:

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Regional Planning Commission meeting.

Page 14 of 66

Professional Services Agreement Between

Metropolitan Sewer District of Greater Cincinnati, Hamilton County, Ohio and Hamilton County Regional Planning Commission

The City of Cincinnati, an Ohio municipal corporation, through its Department of Sewers as the sole management agency for the operation and maintenance of the sewer system on behalf of the Metropolitan Sewer District of Greater Cincinnati ("MSD") and Hamilton County Regional Planning Commission (HCRPC) wish to enter into an agreement whereby HCRPC will provide Professional Services as described in the attached Scope of Work and made a part hereof by reference. Accordingly, HCRPC and MSD agree to the following:

RECITALS

WHEREAS:

- A. MSD is developing Green Infrastructure Programs as part of the MSD Project Groundwork to reduce or prevent overflows from combined and separate sanitary sewers required under the Federal Court Consent Decree in Case No. C-1092-107, dated June 9, 2004; and
- B. MSD has determined that professional services are needed to review and evaluate the level of specialized planning, community outreach and other related support to meet the planning phase needs of green infrastructure.

NOW, **THEREFORE**, the parties agree as follows:

- 1. HCRPC agrees to perform the Scope of Services as described in Exhibit "B".
- 2. MSD agrees to pay HCRPC at the rates specified in Exhibit "A". Incidental expenses that are incurred as a result of community outreach and research such as parking and copying will also be reimbursed. Mileage shall be reimbursed at rates published by the US Internal Revenue Service. Reimbursement for other reasonable expenses will be considered on a case by case basis.
- 3. The Maximum Compensation Amount for this Agreement shall be one-hundred-and –twenty-thousand dollars (\$120,000/Annually).
- 4. The term of this Agreement shall commence on the Effective Date as defined on the signature page hereof and shall expire on December 31, 2017. The Agreement may be extended by the City for good cause for additional time, not to exceed two twelve-month periods, upon written approval of the City of Cincinnati.
- 5. Either of the parties to this Agreement may withdraw from participation provided that the party withdrawing provides 30 days notice. This document may also be modified by mutual agreement.

IN WITNESS WHEREOF, the parties have signed this Agreement as of the date first above written.

City of Cincinnati, an Ohio municipal corporation	Hamilton County Regional Planning Commission, a Department of Hamilton County, Ohio, a political Subdivision of the State of Ohio		
	Ву:		
Scott C. Stiles, Assistant City Manager City of Cincinnati	Signature		
	Todd Kinskey		
Date	Printed / Typed Name		
	Executive Director		
	Printed / Typed Title		
Approved as to Form:	Date		
Assistant City Solicitor			
City of Cincinnati/MSDGC Recommended:			
	Certification of Funds:		
James A. Parrott	Date:		
Executive Director			
	Coding:		
	Amount:		
	Reginald Zeno, Finance Director		

Exhibit "A"

Budget

2009 Price Sheet*

HCRPC Hourly Billing Rate

Administrators	\$ 83.50 per hour
Professionals	\$ 64.00 per hour
Technicians	\$ 36.00 per hour
Interns	\$ 15.00 per hour
Mileage	\$ 0.585 per mile

PRODUCTS

PRODUCT	PRICE
L. Custom Maps	
1, 8% x 11 B & W Individual Zoning Property Maps (within RZC jurisdiction)	\$2.50
2. 8% x 11 B & W Individual Zoning Property Maps (outside RZC	\$10.00
jurisdiction) 3. 8 % x 11 B & W Map and Mailing List showing ownership for neighboring properties (radius).	\$100.00
 Custom Map Design – Layout of Existing Layers, Title, and Legend¹ 	Current Hourly Labor Rates Minimum 1/4/ hour
Custom Map Research – Graphic and Non-Graphic Data Collection and Analysis¹	increments

Note Regarding Map Availability:

The Planning and Zoning Department provides maps consisting of information layers required by or resulting from the mission or work program of the Regional Planning Commission and Rural Zoning Commission. Requests for maps that are beyond the RPCIRZC mission or work or ram or that include restricted information la ers should be submitted to the CAGIS Office.

M. Photocopies	
8 %in. x 11 in. or 14 inBlack & White-Paper Copy 11 in. x 17 inBlack & White-Paper Copy 8 %in. x 11 in. or 14 in Color-Paper Copy 11 in. x 17 inColor-Paper Copy	\$0.05 (if requesting more than 10 copies) \$0.10 (if requesting more than 10 copies) \$0.25 (if requesting more than 10 copies) \$0.50 (if requesting more than 10 copies)

¹Minimum Cost= \$25.00 per map; Total Cost= labor cost plus stock map product cost listed above

^{*}These rates may be adjusted annually by the Board of County Commissioners.

Exhibit "B"

DRAFT

2015 Update MSD/HCRPC

Scope of Services

- A. The Planning Commission will provide the following services:
 - Assist the Metropolitan Sewer District ("MSD") in developing the regulatory framework necessary for successful implementation of a sewershed-wide green infrastructure program.
 - 2. Coordinate and involve stakeholders across multiple jurisdictions.
 - Assist with the distribution of consistent and accurate information, approved by MSD, to the residents and property owners in all communities and municipalities.
 - 4. Assist MSD and other MSD consultants with providing effective education and active involvement of individuals, communities, elected leadership, public works and planning departments and utilities.
 - 5. Identify economic incentives to encourage urban and suburban communities, local governments, residential and commercial property owners, and non-profit organizations to use new storm water minimization programs, activities, standards, or practices.
 - 6. Provide support for review, evaluation and amendment of municipal and township plans, policies and regulations governing land use, transportation, and related matters affecting storm water flows.
 - 7. Prepare reports for MSD as requested.
 - 8. Provide methodology for measuring and evaluating Planning Commission service initiatives and local government actions.
- B. The Planning Commission will provide the following specialized planning and community outreach services to MSD in support of the Green Infrastructure Program:
 - 1. Implement the Lower Mill Creek Watershed Action Plan (LMC-WAP). Recently conditionally approved by OEPA, the LMC-WAP provides a comprehensive framework for watershed improvements. MSD played a key role in developing the LMC-WAP and with the regulatory blessing of OEPA, this document provides a roadmap for project implementation.

- In partnership with the MCCC, HCRPC will initiate the next steps in moving from the adopted LMC- WAP to implementation:
- a. Present the LMC-WAP to jurisdictions for comments and adoption.
- Match LMC-WAP structural projects with funding sources including OEPA Section 319, Clean Ohio-NRAC, Stormwater District capital program, Save Local Waters (school based grants) etc.
- c. Advance LMC-WAP non-structural recommendations including: promote "green streets", expand cooperative code enforcement abilities, promote parking code review, promote tree protection ordinances, encourage better public works salt storage and usage, and develop recommendations for a jurisdiction based public water-ways trash management plan.
- d. Monitor and document progress
- 2. Utilize visits to **Planning Partnership** member jurisdictions as a forum to discuss storm water management model ordinances, codes and zoning updates to allow implementation of green storm water control technologies.
 - a. Review nationwide best practices ordinances for subdivision and zoning codes related to green infrastructure. Develop model zoning and subdivision regulations to be considered by local jurisdictions for implementation of green best management practices.
 - b. Inventory Mill Creek communities in Hamilton County as to policy and regulatory status (permitted, prohibited, not addressed) related to the following: green roofs, green or pervious pavement, rain barrels or bioretention, downspout disconnection, vegetated swales/rain gardens, storm water fees, and land acquisition for storm water use.
 - c. Demonstrate thru visualizations (using programs like Illustrator or Sketchup) how communities who have developable sites could also use them to achieve additional storm water management objectives.
- 3. Advance the **Taking Root Initiative** to plant 2 million trees by 2020. Planting trees will reduce storm water runoff. Hamilton County Planning & Development has staff members on the executive board or part of the engagement teams who are able to guide program development.
 - a. Review nationwide land use and subdivision codes that support greater tree canopy

- Advance tree canopy growth policies in all Mill Creek-Hamilton County communities thru educational program materials, presentations and other types of outreach.
- c. Implement Taking Root "Dig-in" project where existing Tree City USA jurisdictions in the watershed (City of Wyoming, Amberley Village) adopt non-Tree USA Cities (Amberley => Elmwood Place) or assist neighborhoods (City of Wyoming => City of Cincinnati Hartwell neighborhood) with a goal to take "Dig-in" to scale in 2016 where all Tree Cities in Hamilton County adopt a non-tree city/neighborhood.
- 4. Study the feasibility of developing a non-profit cooperative program that builds neighborhood-scaled decentralized green infrastructure using abandoned vacant property across all Mill Creek neighborhoods and creates jobs to manage the new green infrastructure in perpetuity. Neighborhoods such as South Fairmount and jurisdictions such as the Village of Elmwood Place offer opportunities for this type of program successfully piloted in Buffalo, Cleveland and Philadelphia where residents would be paid to install, maintain and operate green infrastructure elements such as rain gardens, bioswales, rain barrels, and passive irrigation for urban agriculture sites.

Actions: Prepare a white paper that expands upon this concept and details the resources and capacity for sustaining this effort. Host a meeting of potential partners to gauge interest. Identify a partner willing to implement. Look for start-up grants to get the program on its feet.

5. Green Infrastructure Field Trips

- a. Arrange field trips to green infrastructure sites to promote education and usage
- b. Target jurisdictions not just industry professionals to attend (City Managers, Public Works, Planning Directors, Environmental Services Directors, etc.)

6. Green Infrastructure and Vacant Sites Inventory

- a. Assemble and maintain a green infrastructure inventory
- b. Use GIS and Auditors data to identify vacant sites
- c. Develop and maintain a GIS shapefile of these features

Request for Variances SUBDIVISION REGULATIONS	MULCH LOT/GARY RAINS BODY SHOP MINOR SUBDIVISION
MEETING DATE: Apr 2, 2015	Sections: 12.3.10 (b) (5)
HAMILTON COUNTY REGIONAL PLANNING COMMISSION CASE GREEN 15-01	Regulation Summary : Stub streets may be approved by the Planning Commission in order to facilitate future street extensions and connection of street systems provided the proposed stub street system satisfies the following standards: (5) The end of the stub street and right-of-way shall not be used for frontage to individual lots.

APPLICANT: Owner/Applicant: Gary N Rains (Owner); Jamie Bettis, The Mulch Lot (Applicant)

LOCATION: Green Township: 6500 Glenway Avenue on the eastern side of Glenway Avenue (Book

550, Page 120, Parcel 442)

REQUEST: To divide the parcel into two lots with the northern most parcel containing Gary Rains

Body Shop using the adjacent Frondorf Avenue stub street as legal frontage

ZONING: "F" Light Industrial

ANALYSIS:

The subject property currently contains both the Gary Rains Body Shop and The Mulch Lot. The applicant, representing the Mulch Lot, would like to purchase the land that their business is located on and split from Gary Rains. In order to split the property, each new lot would need road frontage as required in the Subdivision Regulations. The applicant is requesting to use the adjacent Frondorf Avenue stub street as legal frontage for the newly created northern lot which would contain Gary Rains. The newly created southern lot, which would contain The Mulch Lot, would maintain the existing panhandle onto Glenway Avenue as its legal frontage. Sections: 12.3.10 (b) (5) of the Subdivision Regulations specifically prohibits the end of a stub street be used for frontage to individual lots. If the variance is approved, staff would complete the lot split application without any additional public hearings as the split would meet the definition of a minor subdivision which is approved by staff.

The applicant has submitted verification that each business as a stand-alone lot would be under the 60% impervious surface ratio (ISR) threshold as required for zoning approval without approval of a planned unit development. All existing structures on the site would meet the required setbacks of the "F" Light Industrial Business District if the variance and lot split were to be approved.

Access to the site is gained via a shared driveway that connects to Glenway Avenue in the general location of the existing panhandles. An ingress/egress easement is already in place for the driveway in the panhandle area. This driveway provides access to several businesses in the area and connects to the existing medical building at the corner of Westbourne Drive and Glenway Avenue for a second point of access. If approved, the Planning Commission should consider a condition that requires an ingress/egress easement (as indicated on the submitted plan) be recorded for the portion of the driveway that would be located on The Mulch Lot property to permit access to Gary Rains.

The northern portion of the property lies adjacent to the Frondorf Avenue stub street. Due to the change of topography, a connection to this development with Frondorf Avenue would be difficult. The majority of the street, excluding the northern most portion at the Bridgetown Road intersection, contains single family homes and is zoned "C" Residence. Connecting this industrial development to the residential portion of Frondorf Avenue may result in increased cut through traffic. St. Martins Place, located to the southwest, is also stubbed in the area but the stub currently provides access to two single-family homes. It appears that these stubs were not intended to connect once the surrounding industrial property was developed. For these reasons, a connection is not feasible.

Staff has received a letter from the Gary Rains Body Shop, Inc. and signed by Gary Rains stating that Gary Rains has the required 43 parking spaces on their site. However, staff visited the site and found that there are 30 striped parking spaces in the Gary Rains portion of the split where 43 parking spaces are required in the Zoning Resolution. The Mulch Lot is over parked by 15 spaces and there appears to be no additional space for parking expansion on the proposed Gary Rains lot. It appears that there is sufficient parking for both uses so long as a shared parking agreement can be reached by Gary Rains and The Mulch Lot. According to the letter, The Mulch Lot would give permission to allow Gary Rains to use parking spaces on The Mulch Lot's newly created lot. If approved, the Planning Commission should consider a condition that requires a shared parking agreement be recorded to allow Gary Rains to share at least 13 parking spaces on The Mulch Lot property. With the two recommended conditions, staff finds that the request is reasonable.

STAFF FINDINGS:

Section 6.2 of the Subdivision Rules and Regulations states that the Planning Commission shall not grant variations to these Rules and Regulations unless it shall make written findings of fact based upon the evidence presented by each specific case that each of the following standards are achieved:

6.2.1 The particular physical surroundings, environmental constraints, shape, topographical or other exceptional condition of the specific property involved

would cause extraordinary hardship or exceptional practical difficulty to the applicant, as distinguished from a mere inconvenience, if the provisions of these Rules and Regulations were strictly enforced;

FINDINGS: The residential uses and residential zoning located to the north along Frondorf Avenue make it undesirable to recommend any kind of connection of Frondorf Avenue through this industrial property. A recommended connection may create increased cut through traffic on Frondorf Avenue. Further, Frondorf Avenue sits significantly lower than the Gary Rains portion of the property making the connection difficult. For these reasons, this property is different from other parcels of land containing limited frontage in the county and a variance should be considered.

6.2.2 The conditions upon which the request for a variation is based are unusual to the property for which the variations sought and are not applicable generally to other property;

FINDINGS: The existing conditions are unusual in that the industrial property is adjacent to a residential area to the north and a connection through this property is undesirable. Further, the land is built out and the intensity cannot increase without the Planned Unit Development Standards applying. The lot split does not affect any existing or future development in the area. As stated in this case, a connection is not desirable and therefore, staff can support using the stub of Frondorf Avenue as legal frontage.

6.2.3 The purpose of the variation is not based exclusively upon a desire to obtain additional income from the property;

FINDINGS: The purpose of the variance is to separate two existing businesses that are currently located on one parcel. Although Gary Rains may benefit financially from this proposed split and variance, it is likely that Gary Rains is already receiving rent on the property from The Mulch Lot.

6.2.4 The granting of the variation will not be detrimental to the public health, safety or general welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

FINDINGS: If approved, the variance would not be detrimental to the surrounding properties. Both businesses are up and running and meet zoning. Connecting Frondorf Avenue to this development may be detrimental to the existing residential properties along Frondorf Avenue to the north by increasing traffic. Further, this residential neighborhood already has multiple ways in and out and an additional connection is not needed.

6.2.5 The special circumstances or conditions are created by the provisions or requirements of these Rules and Regulations and have not resulted from any act of

the applicant or applicant's predecessor in interest; and

FINDINGS: The Hamilton County Subdivision Regulations require a connection or a residential street to industrial property and as stated previously, this is not practical or desirable. Further, this situation was not created by the applicant.

6.2.6 The variation requested is the minimum adjustment necessary for the reasonable use of the land.

FINDINGS: Staff finds that there are options of splitting this property that do not require a variance to the Subdivision Regulations including consolidating the panhandles and splitting them or extending the right-of-way of Frondorf Avenue. Both would take great coordination and time that is beyond the control of the applicant and there is no guarantee that this coordination would ever happen. Staff does not support the option of granting a variance to split the existing 15.8 foot wide panhandle into two narrower panhandles and finds that utilizing the stub frontage is the minimum adjustment needed. There is a high likelihood that variances to split a panhandles that were not at least 30 feet in width would be sought by numerous other properties in the county creating a negative precedent trend in the county. Through staff research, a variance to allow a street stub to count as frontage for a newly created parcel was approved by the Planning Commission in 2003. To staff's knowledge, this type of request has never been denied.

STAFF RECOMMENDATION ON VARIANCE:	Approval	Denial	
-----------------------------------	----------	--------	--

(Suggested Motion)

Move to accept the staff findings relative to the applicant's request for a variance (AS SUBMITTED) (AS MODIFIED BY THE PLANNING COMMISSION) and to grant relief from the requirements of Section 12.3.10 (b) 5. of the Subdivision Regulations by permitting the stub portion of Frondorf Avenue to be used as frontage for a new lot.

Conditions:

- That an access easement agreement shall be recorded prior to the approval of a lot split for the existing driveway that provides access to the northern property across the southern property which would connect to the existing access easement that provides access to Glenway Avenue.
- 2. That a shared parking agreement shall be recorded prior to the approval of a lot split that permits the northern property to share the amount of required parking needed on southern property that meets the minimum requirements of the Zoning Resolution.

Prepared by:

Reviewed By:

Development Services Administrator

Approved By:

Planning Director

Told M. Kingley, AICP



VICINITY MAP

Case: GREEN 15-01

Request: Mulch Lot/Gary Rains Subdivision Variance

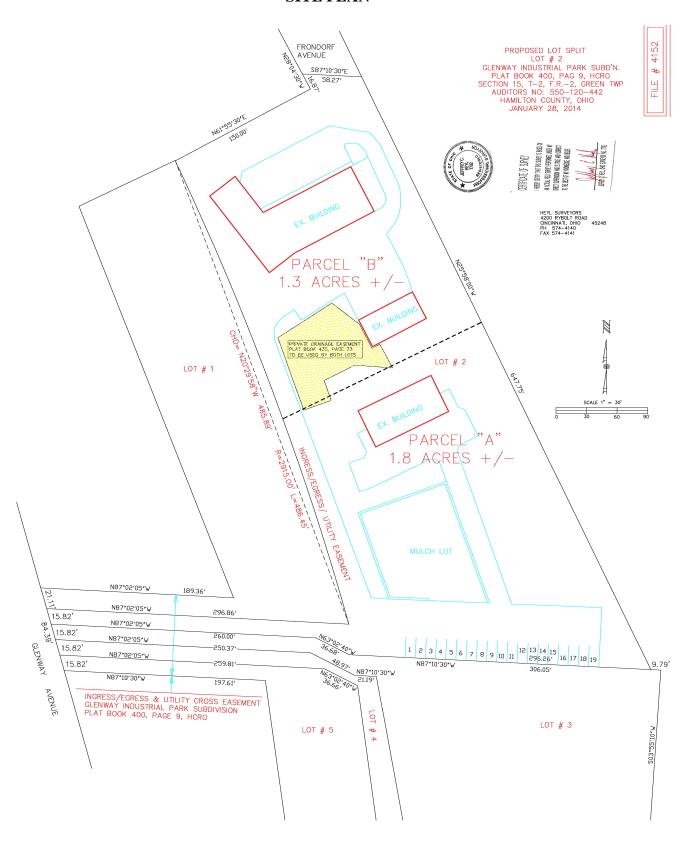
Printed: 2/19/2014
Printed By: JOHN HUTH

PATAME!

Chief to protect the control of the first standard group with a freeding special control of the protect and spec

REGIONAL PLANNING COMMISSION

SITE PLAN





STAFF REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMMISSION ON APRIL 2, 2015 FOR CONSIDERATION BY THE RURAL ZONING COMMISSION ON APRIL 16, 2015

ZONE

AMENDMENT CASE:

MIAMI 2015-01

MIAMI HEIGHTS SQUARE

REQUEST: FROM: "A-2" Single-family Residence

TO: "EE" Planned Retail

PURPOSE: To construct a 3-building commercial development containing restaurant and retail

space with 199 parking spaces and one access drive onto Bridgetown Road

APPLICANT: Rakesh Ram, City View LLC (applicant); Three Rivers Local School District BOE

(owner)

LOCATION: Miami Township: 7670 Bridgetown Road, on the east side of the intersection of

Bridgetown Road and Jandaracres Drive (Book 570, Page 40, Parcel 27)

SITE Tract Size: 8 acres (gross); 7.5 acres (net)

DESCRIPTION: Frontage: 350 feet on Bridgetown Road

Topography: Flat along Bridgetown Road, sloping down to the rear (east) for

the rear 2/3 of the site

Existing Dvlpmt: Cleared land former Three Rivers School site

SURROUNDING CONDITIONS:

ZONE

LAND USE

North: "A-2" Residence Single-family home South: "A-2" Residence Single-family homes

East: "A-2" Residence Undeveloped woodlands

West: "O" Office Single-family homes, Mixed-use

office, and Apartments

ZONING

JURISDICTION: Hamilton County Commissioners

SUMMARY OF

RECOMMENDATIONS: APPROVAL with Conditions

PROPOSED USE:

The applicant is proposing to construct a three-building commercial development on the front half of the site formerly occupied by Three Rivers School. Building 1 would be an outbuilding located in the northwest corner of the site and would contain 6,300 sq. ft. of speculative restaurant space surrounded by 30 parking spaces. Building 2 would be an outbuilding located in the southwest corner of the site and would contain 4,900 sq. ft. of speculative restaurant space surrounded by 20 parking spaces. Between Buildings 1 and 2 would be the site's main access drive from Bridgetown Road with an internal sidewalk and crosswalks connecting to the front of Building 3. A future access easement has been indicated to the southern property line in the rear of Building 2 to allow for potential future cross-access. Building 3 would be in the middle of the development area and would contain 13,800 sq. ft. of speculative restaurant and retail space with the main parking area to the rear and two drive-thru lanes on the south side of the building. The site would have a total of 199 parking spaces.

The current mix of restaurant and retail space has not been finalized and could change, subject to meeting the Shopping Center minimum parking requirement. A 10-foot streetscape buffer has been proposed along Bridgetown Road and 20-foot boundary buffers have been proposed along the north and south property lines adjacent to the development area. One ground-mounted sign 12 feet in height and 50 sq. ft. in area has been proposed to the north of the access drive and seven potential dumpster locations have been indicated. No photometric or other lighting information has been submitted. A potential retaining wall of an unspecified height and design has been indicated around the rear main parking area. The rear third of the site would remain undeveloped woodlands with the exception of a small stormwater detention area. A plan note indicates that 61% of the site, excluding the right-of-way, would be developed/disturbed and a conflicting note indicates a maximum impervious surface ratio (ISR) of 37%.

ZONING PETITION HISTORY:

There is no zoning case history on the site.

STAFF REVIEW CONFERENCE:

A Public/Staff Review Conference was held at 7:00 pm on February 11, 2015, at the Miami Township Administration Office. The meeting was attended by representatives of the applicant, township officials, and 10 citizens. Topics of discussion included the recent land use plan update, the nature and types of tenants being targeted, a traffic impact study, sidewalks, and buffering.

ANALYSIS:

Land Use Plan Consistency

<u>Applicable Policies and Recommendations</u>: The Regional Planning Commission has an adopted land use plan for this area of Miami Township. The adoption and review history of the Miami Township Land Use Plan is as follows:

• RPC Initial Adoption:

April 1993

• Last Land Use Plan Update Approved:

February 2015

Findings:

- The Miami Township Land Use Plan Map designates the front two-thirds of the site along Bridgetown Road as "Neighborhood Retail", which is defined as low intensity neighborhood oriented retail and service uses that provide a transition between residential uses and other types of development or that achieve compatibility and service appropriate to the adjacent residential neighborhood. Typically one-story structures with a scale, massing, intensity, layout and specifications compatible with site constraints and character of surrounding residential developments.
- The proposed development would provide a total of 25,000 sq. ft. of retail and restaurant space while providing a transition between surrounding residential properties to the north and planned commercial areas to the south. Transition to the east would be provided through the proposal to leave the rear third of the site undeveloped woodlands. Based on the applicant's statements at the staff review conference, the relatively small size of the development, and the location, staff feels that the development would likely be well-suited to providing neighborhood-oriented commercial uses at the northern boundary of the planned Bridgetown Road/Shady Lane neighborhood business district.
- The Land Use Plan Map designates the rear third of the site as "Green Space & Agriculture", which is defined as passive activities and related uses that retain the natural features of the environment. Typically forests or wildlife reservations, farms and farm activities and cemeteries.
- The applicant is proposing to leave the rear third of the site as undeveloped woodlands in compliance with this designation.
- Therefore, with a condition of approval preserving this area as undeveloped, staff finds that the proposal would be consistent with the Miami Township Land Use Plan Map.
- In addition, staff has reviewed the proposed development for consistency with the Bridgetown Road/Shady Lane Area Strategies adopted for this area as part of the recent Land Use Plan Update and offers the following findings.
- Strategy 1 states:

Provide streetscape landscaping that meets or exceeds the requirements of the Hamilton County Zoning Resolution along Bridgetown Road and additional landscaping along secondary residential streets to achieve a transition from Bridgetown Road to the front yard setbacks of adjacent residential homes.

The applicant has proposed a 30-foot wide streetscape buffer along Bridgetown Road, with the front 20 feet containing plantings within the proposed right-of-way and the rear 10 feet in compliance with the width requirement. As far as the planting requirement, eight trees have been proposed where five trees are required, and only 62 shrubs have been proposed where 70 shrubs are required. The applicant has not submitted a planting schedule indicated species and sizes, and the majority of plantings have been proposed within the proposed Bridgetown Road right-of-way. The current proposal is not consistent with this strategy as the shrub planting requirement has not been met and the majority of the plantings have been proposed within the right-of-way. With a condition of approval requiring 80 shrubs and all plantings within the 10-foot streetscape buffer, staff finds that the proposal would be consistent with this Land Use Plan Strategy.

• Strategy 2 states:

Provide additional buffering for single-family homes behind development parcels fronting on Bridgetown Road, including consideration of landscaped mounding, privacy fencing, and/or additional landscaping.

The applicant has proposed a 20-foot boundary buffer along the north and south property lines abutting adjacent residences in both directions, both including the minimum number of required trees (18) and minimum number of required shrubs (79). The applicant has not submitted a planting schedule indicating species and sizes. The current proposal is not consistent with this strategy as only the minimum boundary buffer width and plantings have been proposed. With a condition of approval requiring a planting rate 1.5 times the required number of trees and either a 3-foot mound, or 6-foot privacy fence within each boundary buffer at a distance from Bridgetown Road to the rear façade line of Building 3, staff finds that the proposal could be made consistent with this Land Use Plan Strategy.

• Strategy 3 states:

Building materials, roof styles, and building orientations should be consistent with the residential character of other existing developments in the Bridgetown Road/Shady Lane Area (i.e. brick facades with stone, stucco or wood/vinyl used for architectural details only, pitched roofs, façade variations and articulations, and entrances oriented towards Bridgetown Road or Shady Lane)

The applicant has submitted one conceptual building rendering of the proposed typical building design indicating what appears to be a stone foundation/water table, primarily brick façade with typical aluminum storefronts, pilasters and possibly stucco used for roofline details. It is not clear to what extent there would be façade variations and articulations, which direction the entrances would be located, and no pitched roofs have been proposed. The current proposal is not consistent with this strategy as only a conceptual rendering has been submitted and no pitched roofs have been proposed. With a condition of approval requiring buildings consistent with the materials recommended in the adopted Land Use Plan, pitched roofs, façade variations and articulations, and entrances oriented towards Bridgetown Road for all three buildings, staff finds that the proposal could be made consistent with this Land Use Plan Strategy.

• Strategy 4 states:

Access easements should be provided, where feasible, between compatible developments in the area to enable connection of parking areas and to limit the number of curb-cuts.

A 25-future access easement has been indicated to the southern property line in the rear of Building 2 to allow for potential future cross-access to the property to the south within the planned Bridgetown Road/Shady Lane neighborhood business district. Staff does not feel that it is necessary to provide an easement to the property to the north as it is outside of the boundary of the district. Staff recommends the proposed easement to the south be widened to 30 feet as is typically required.

• Strategy 5 states:

Sidewalks should be constructed along the west side of Bridgetown Road to connect to the existing sidewalks on Jandaracres and at the Bridgetown Road/Shady Lane intersection.

This strategy does not apply as the site is on the east side of Bridgetown Road. However, the applicant has proposed an internal sidewalk from the northern existing Bridgetown Road crosswalk down the main access drive connecting to the front of Building 3. Staff feels that this would provide a meaningful connection to the development for residents on Jandaracres Drive.

• Strategy 6 states:

Signage should be limited to one ground-mounted sign per development with a maximum of 50 square feet in area and 12 feet in height and where a landscape area is provided around the base of the sign.

One ground-mounted sign 12 feet in height and 50 sq. ft. in area has been proposed to the north of the access drive in compliance with this strategy.

• Strategy 7 states:

Generally, larger, more intense commercial development sites (i.e. sites more than 1 acre, buildings greater than 10,000 square feet, Floor Area Ratio higher than 30%) should be encouraged to provide greater amounts of open space, landscaped drainage areas and landscaped islands within parking lots rather than maximizing the amount of building and parking area on the site.

The development would not maximize the amount of building and parking area on the site, primarily because of topography, as the rear third would remain woodlands and would accommodate the detention area. The applicant has also provided ample landscaped parking lot peninsulas and islands throughout the parking areas in compliance with this strategy.

• Strategy 8 states:

Smaller developments (i.e. sites smaller than 20,000 square feet, lots narrower than 100 feet in width, developments containing fewer than 4,000 square feet of building area) are not encouraged in the area and consideration should be given to consolidating parcels and potential development proposals to encourage larger redevelopment sites.

This strategy does not apply as this is a larger development.

• Strategy 9 states:

The conversion of single family residences for multi-family or retail use should be discouraged and conversion of single-family homes for office use should only be considered where two or more parcels are included in a development site with a consolidated access plan to provide for reduced curb cuts onto Bridgetown Road.

This strategy does not apply as the site was formerly occupied by a school.

• Strategy 10 states:

Large expanses of parking area and lots that include more parking spaces than the minimum number required by the Zoning Resolution should be strongly discouraged. Stormwater best management practices such as filter strips, bio infiltration swales, tree infiltration beds, etc. should be used to breakup large expanses of parking spaces.

With 157 parking spaces reserved for 15,700 sq. ft. of restaurant space and 42 spaces reserved for retail space under the shopping center requirement, the development is exactly at the required minimum number of 199 parking spaces for the stated tenant mix. With the current amount of spaces proposed, no additional restaurant space could be accommodated by the parking requirement. However, retail or office space could be added within the buildings as those uses require less parking than restaurants. The second part of this strategy regarding stormwater BMP's does not appear to be met as no stormwater BMP has been

proposed within or surrounding the parking areas, specifically the rear main parking area. With a condition of approval requiring stormwater BMPs where feasible within or around the perimeter of the main parking area in the rear of Building 3, staff finds that the proposal could be made consistent with this Land Use Plan Strategy.

• Strategy 11 states:

The appropriateness of any use other than single family should be considered only after submittal of a landscape buffer plan that adequately screens the detrimental impacts of commercial uses and related vehicular use areas if the proposed use will abut a single family use or zone district. Such review should occur only through the Planned Unit Development process. The development plan should provide for coordinated development of parcels adjacent to the existing retail center at Bridgetown Road and Shady Lane and the office designated properties at Bridgetown Road and Jandaracres Drive to avoid leapfrogging existing single family parcels.

The proposal would provide for coordinated development with the office designated properties at Bridgetown Road and Jandaracres Drive. The main entrance to the development would align with Jandaracres Drive and an internal walkway has been proposed connecting to a Bridgetown Road crosswalk. The strategy has not been met with respect to screening abutting single-family uses, as discussed in Strategy 2 above, specifically regarding adequately screening the front buildings and parking areas from the residences immediately to the north and south of the site along Bridgetown Road. With a condition of approval requiring a planting rate 1.5 times the required number of trees, a 3-foot mound, or 6-foot privacy fence within each boundary buffer at a distance from Bridgetown Road to the rear façade line of Building 3, staff finds that the proposal could be made consistent with this Land Use Plan Strategy.

- Given the general lack of detail and compliance regarding landscaping, building character, and stormwater management and the conceptual nature of the submitted plan, staff recommends that all Zoning Compliance Plans be reviewed and approved by the Rural Zoning Commission as part of a public hearing process.
- Staff emphasizes that without the complete set of recommended conditions addressing the lack of compliance with the strategies, that consistency with the land use plan would not be achieved and would result in a recommendation of denial.
- With the recommended conditions discussed above and compliance with Land Use Plan Strategies verified by the Rural Zoning Commission at a public hearing, staff finds that the proposed development would be made consistent with the adopted Land Use Plan.

RECOMMENDED MOTION:

To accept staff findings that consistency with the adopted land use plan is required and that the zone amendment can achieve consistency with the adopted land use plan.

ANALYSIS:

Thoroughfare Plan Consistency

<u>Applicable Policies and Recommendations</u>: The Thoroughfare Plan classifies Bridgetown Road as a Minor Arterial requiring 100 feet of right-of-way (50 feet from centerline).

Findings: Bridgetown Road is under the jurisdiction of the Ohio Department of Transportation. The applicant has indicated a 50-foot right-of-way from the centerline of Bridgetown Road in compliance with the Thoroughfare Plan.

Zoning Compliance

The conceptual site plan meets the minimum standards of the Hamilton County Zoning Resolution and the "EE" Planned Retail district,

Other Issues

Conceptual Plan

Staff was unable to review the following improvements for compliance due to lack of detail submitted at this time: grading and drainage; buffer yard landscaping including species type and size; interior parking lot landscaping; photometric plan and light fixture cutsheets; building signage; dumpster, transformer, HVAC screening; continuous curbs/wheel stops within the parking lot to buffer walkways and landscaping; and the potential retaining wall in the rear of the site. The applicant has stated that proposed improvements are only at the conceptual level as they are hoping to use the retail zoning to further market the site to potential tenants. However, the only way staff can support this request is with the conditions recommended above including further review of all Zoning Compliance Plans by the Rural Zoning Commission at a future public hearing. This would allow the retail zoning designation to be approved for the property in compliance with the Land Use Plan Map but would also allow further review and comment by township officials and residents prior to approval of the final design of the site.

Dumpster Location

The current proposal indicates up to seven dumpsters, with one dumpster located within the cross-access easement along the southern property line. Staff recommends this dumpster be removed from the cross-access easement and the location and screening of all dumpsters would be specifically reviewed to minimize impact on adjacent residents prior to approval of all Zoning Compliance Plans by the Rural Zoning Commission.

CONCLUSION:

Based on the above findings, there is sufficient reason for staff to support the requested zone amendment. Specifically, the proposed development could be made consistent with the Land Use Plan and Zoning Resolution subject to additional review by the Rural Zoning Commission for compliance with Land Use Plan strategies and Zoning Resolution requirements to minimize any impact on adjacent residences prior to any development of the site occurring. With this additional level

of review, staff finds that the proposed development would be appropriate for the site.

RECOMMENDED MOTION:

To find consistency with the adopted land use plan and to recommend approval of case Miami 2015-01; Miami Heights Square, a request for a zone amendment from "A-2" Single-family Residence to "EE" Planned Retail subject to standard covenants for planned districts and the following conditions:

Conditions:

- 1. That all Zoning Compliance Plans for any phase of the development shall be reviewed and approved by the Rural Zoning Commission as part of a public hearing.
- 2. That a landscape plan in compliance with the requirements of Sections 12-6, 14-7, and 14-8 of the Zoning Resolution and with Conditions 3 and 4 shall be submitted as part of the Zoning Compliance Plan.
- 3. That all landscape materials in the required Streetscape Buffer shall be located with the buffer area outside of the right-of-way of Bridgetown Road and shall include a minimum of 80 shrubs and 8 trees.
- 4. That the required Boundary Buffers on the northern and southern property lines shall contain 1.5 times the tree planting requirement and a 3-foot mound or privacy fencing within each boundary buffer from Bridgetown Road to the rear façade line of Building 3.
- 5. That all buildings shall be constructed primarily with building materials consistent with the Land Use Plan Strategies, pitched roofs, façade variations and articulations, and entrances oriented towards Bridgetown Road.
- 6. That a stormwater best management practices shall be used where feasible and as approved by the Stormwater and Infrastructure Division of the Planning and Development Department within or around the perimeter of the main parking area in the rear of Building 3.
- 7. That a lighting plan in compliance with the requirements of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan.
- 8. That all dumpsters and mechanical equipment shall be screened in compliance with the requirements of the Zoning Resolution and removed the southern access easement.
- 9. That the site shall be permitted a maximum of one freestanding monument sign along Bridgetown Road at a maximum of 12 in height and 50 sq. ft. in area.
- 10. That a 30-foot access easement for future vehicular use shall be identified to the southern property line to permit the adjacent property to connect through the subject site to Bridgetown Road to be effective if/when this adjacent property is redeveloped as a commercial use.
- 11. That an internal sidewalk shall connect from the existing Bridgetown Road crosswalk down the main access drive to connect to the front of Building 3.
- 12. That the proposed woodland preservation area in the rear of the site shall remain undisturbed as indicated on the concept plan.

AGENCY REPORTS:

Dept. Public Works (DPW):

Metro. Sewer District (MSD):

Fire Prevention Off. (FPO):

Cincinnati Water Works (CWW):

H. C. Soil & Water (HCSW):

Ohio Dept. of Transpo. (ODOT):

Twp. Trustees (TT):

Conditional Approval

Report not yet received

Report not yet received

Report not yet received

Report not yet received

NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report is primarily a technical report on the level of compliance with adopted land use regulations and plans. The report is prepared in advance of public hearings and often in advance of other agency reviews. Additional information from other agency reviews and public review is considered by appointed commissions and elected boards. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared By:

Eric Fazzini, cnu-

Senior Planner

Reviewed By:

Bryan D. Snyder, AICE

Development Services Administrator

Approved By

Todd M. Kinskey, AICP

Executive Director

SITE PHOTOS



Looking east from Jandaracres Drive at site's frontage



Looking west from site at Jandaracres Drive



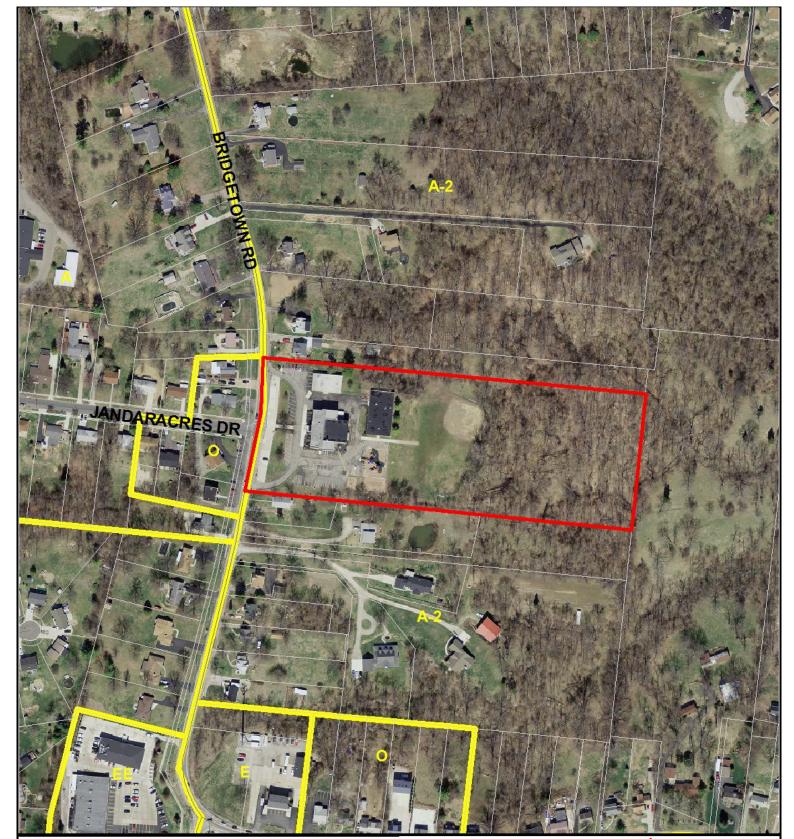
Looking north from middle of site at adjacent residence



Looking east from front of site towards rear



Looking east at adjacent residence immediately south of site



VICINITY MAP

Case: Miami 2015-01; Miami Heights Square

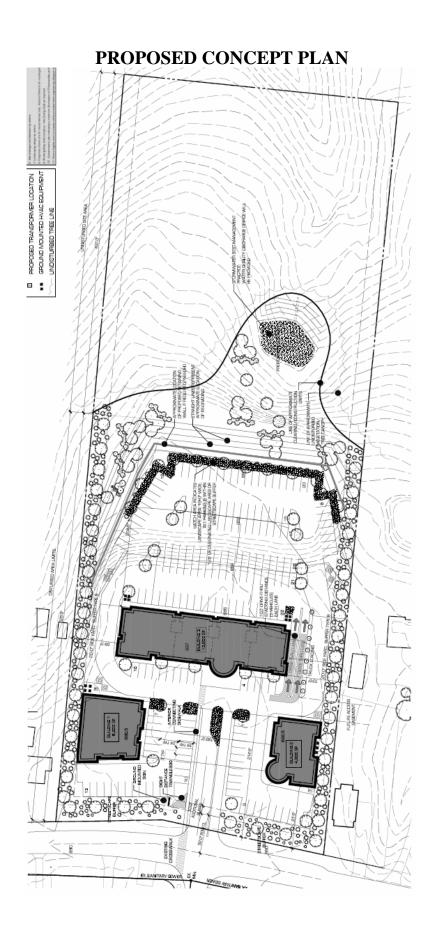
Request: From: "A-2" Residence

To: "EE" Planned Retail

Printed: 03/24/15 Printed By: Eric Fazzin



Industry - Heavy Public, Semi-Public, Insfitutional Green Space & Agriculture Utility Planned Mixed Use Employment 96 Regional Planning Commission Special Purpose Residence Transitional Mixed Use Single Family Residence Transitional Residence Multi-Family Residence Attached Single Family General Office Retail - Naighborhood Single Family Cluster Land Use Designations Rural Residence Retail - General Industry - Light H ħ 1 B d BRIDGETOWN SHAD JANDARACRES FOXTROT



CONCEPTUAL RENDERING



RECEIVED

FEB 17 2015

HAMILTON COUNTY

PLANNING & DEVELOPMENT

APPLICANT LETTER



Engineers Land Development Surveyors

February 17, 2015

Mr. Bryan Snyder Hamilton County Regional Planning Commission 801 County Administration Building 138 East Court Street Cincinnati, OH 45202

Re: Miami Heights Square

Dear Mr. Snyder:

Enclosed please find a complete zone change application for our property at the intersection of Bridgetown Road and Jandaracres Drive.

We have enclosed the following:

- 1. Application Form
- 2. Check for Fees
- 3. Prints-Zoning Plat (5 copies) and Development Plan (5 copies)
- 4. Legal Description
- 5. Reduced Copies

The property abuts two rental homes on the north and south.

Several meetings have been held in Miami Township on this project. Based on the comments from these meetings revisions were made to the drawings. We have also made revisions based on comments from Miami Township Land Use Committee.

The subject property is shown as public, semi-public, institutional on the Miami Township Land Use Plan.

The northern building will be a slab building consisting of 6,300 square feet of area.

The southern building will be a slab building consisting of 4,900 square feet of area.

The eastern building will be slab building with 13,800 square feet of area.

We believe this retail center is in much demand in Miami Township and we are receiving much encouragement from the residence. We did have a public staff conference on February 11th at which a few folds attended.

Joseph M. Allen, P.E., P.S.

Rakesh Ram, City View LLC Miami Township Trustees Robert Polewski, Miami Township Land Use Committee Graham Kalbli, New Republic Architecture

STAFF REPORT

FOR CONSIDERATION BY HAMILTON COUNTY REGIONAL PLANNING COMM. ON APR. 2, 2015 FOR CONSIDERATION BY THE COLERAIN TOWNSHIP ZONING COMMISSION ON APR. 21, 2015

ZONE

COLERAIN ZA2015-02

AMENDMENT CASE:

3672-3720 SPRINGDALE

REQUEST: FROM: "R-4" Residential

TO: "B-2" General Business District

PURPOSE: To rezone and develop the property for commercial use

APPLICANT: Steve Dragon, Vandercar (applicant), Betty Jane McHenry, Jeffrey A Wood TR,

Herbert Reckelhoff, Jered D Strum & Gennah L Duclo, James R & Allene, Matthew J

& Donna M Vilas (owners)

LOCATION: Colerain Township: 3720 – 3672 Springdale Road; on the southeast corner of the

Springdale Road and Flattop Drive intersection (Book 510, Page 103, Parcels 73-79)

SITE Tract Size: Approximately 4.460 acres (gross)

DESCRIPTION: Frontage: Approximately 775 feet on Springdale Road and approximately 200

feet on Flattop Drive

Topography: Flat

Existing Dylpmt: Five single-family homes, one business and one vacant lot

SURROUNDING

CONDITIONS: ZONE LAND USE

North: "R-4" Residential Single-family

South: "PD-B Planned Dev. Business Northgate Mall

East: "B-2" General Business District Commercial (future site of Kroger's)

West: "B-2" General Business District Single-family

ZONING

JURISDICTION: Colerain Township Board of Trustees

SUMMARY OF

RECOMMENDATION: DENIAL

PROPOSED USE:

The applicant is proposing to redevelop the subject property for an undisclosed commercial use. A site plan or a further description has not been submitted.

ZONING PETITION HISTORY:

There is no known zoning petition history for this site.

ANALYSIS:

Land Use Plan Consistency

<u>Applicable Policies and Recommendations:</u> The Regional Planning Commission has an adopted Land Use Plan for this site. The adoption and review history of the Colerain Township South East Sector Land Use Plan is as follows:

Adopted by RPC
 Last 5 Year Update adopted by RPC
 March 1989
 December 2001

Findings:

- The Land Use Plan is not considered current as defined in the RPC Bylaws as it has not been reviewed and updated by the RPC within the last 5 years.
- However, the Colerain Township Trustees have adopted a Land Use Map for the entire Township dated September 2011.
- The Land Use Map designates the site as "Residence Single Family" which is defined as low density detached housing and related compatible uses.
- A commercial use would not be consistent with the single-family residence designation.
- Staff has also reviewed the site for consistency with the Colerain Township Comprehensive Plan and finds that the site is located in the Colerain Avenue Character Avenue.
- According to the plan, the area west of Colerain Avenue and north of Springdale Road, has the potential to develop as a town center for the community that would include a well-planned site with a small, village like character that might have small scale commercial and office uses along with some unique housing opportunities to help support the development.
- Development Policy #2 of the character area looks to strengthen the corridor to include appropriate levels of buffering between land uses and increase the overall standards of appearance.
- Land use guideline #5 of the character area encourages the development of a mixed-use development or town center along the Colerain Avenue corridor that will incorporate a pedestrian scale environment with a mixture of commercial, office and high-density residential uses.
- Staff cannot determine how far west this town center was envisioned to extend from Colerain Avenue and finds that it likely was not planned to extend this far west to encroach upon the existing single family homes in the area. If the Township envisioned the subject parcel to be part of the town center area, without a plan, consistency with the vision for this town center area cannot be determined. Further, without a plan, staff cannot determine consistency with the development policy and land use guideline listed above.

• Land use guideline #3 of the character area states that general commercial and office uses are appropriate provided they do not extend further to the east and west along the arterials feeding off Colerain Avenue. Staff finds that a proposed extension of commercial uses further west from Colerain Avenue that would encroach upon the existing homes along Springdale Road and Flattop Drive would not be consistent with this land use guideline.

RECOMMENDED MOTION:

To accept staff findings that consistency with the adopted land use plan is not required.

ANALYSIS:

Thoroughfare Plan Consistency

<u>Applicable Policies and Recommendations</u>: The proposed development site has frontage on Springdale Road, which is designated as a Minor Arterial on the Hamilton County Thoroughfare Plan with a recommended right-of-way of 100 feet (50 feet from centerline). The proposed development site also has approximately 200 feet of frontage on Flattop Drive which is not identified on the thoroughfare plan.

Findings:

- The proposed zone plat appears to indicate the existing 60-foot right-of-way for Springdale Road.
- Dedication of right-of-way is not required as part of a single-letter zone change and therefore dedication of right-of-way cannot be required as part of this zone amendment.

Zoning Compliance

Single-letter zone amendments do not include site plan review. Because this is not a planned district, zoning compliance does not apply.

Other Issues

Single-Letter Zoning

The single-letter zone district request does not include site plan review. A development plan has not been submitted. Any issues, as stated above, cannot be addressed, as zoning compliance does not apply. Even the use of the site could change so long as the use was permitted in the B-2" General Business District.

CONCLUSION:

Based on the above findings, staff cannot support the zone change request. The proposed general business district would not comply with the Colerain Township Land Use Plan Map and would not comply with the Colerain Township Comprehensive Plan. In addition, compliance with the Thoroughfare Plan cannot be required, and single-letter zone amendments do not include site plan review to ensure compatibility with surrounding uses. In this case, given the recent approved (not yet developed) zone change for the Kroger Store and Fuel Center immediately to the east of the subject site, which will undoubtedly have an impact on the homes to the north, special care to address buffering, landscaping, building heights, dumpster location, etc., is necessary to not further negatively impact these homes. The absence of a

development plan does not afford such assurances and therefore, staff finds that the zone amendment would not be appropriate for this site and recommends denial of the request.

RECOMMENDED MOTION:

To consider case Colerain ZA2015-01, 3672-3720 Springdale; a request for Zone Amendment from "R-4" Estate Residential to "B-2" General Business.

NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report is primarily a technical report on the level of compliance with adopted land use regulations and plans. The report is prepared in advance of public hearings and often in advance of other agency reviews. Additional information from other agency reviews and public review is considered by appointed commissions and elected boards. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared by:

John S. Huth

Senior Planner

Reviewed By:

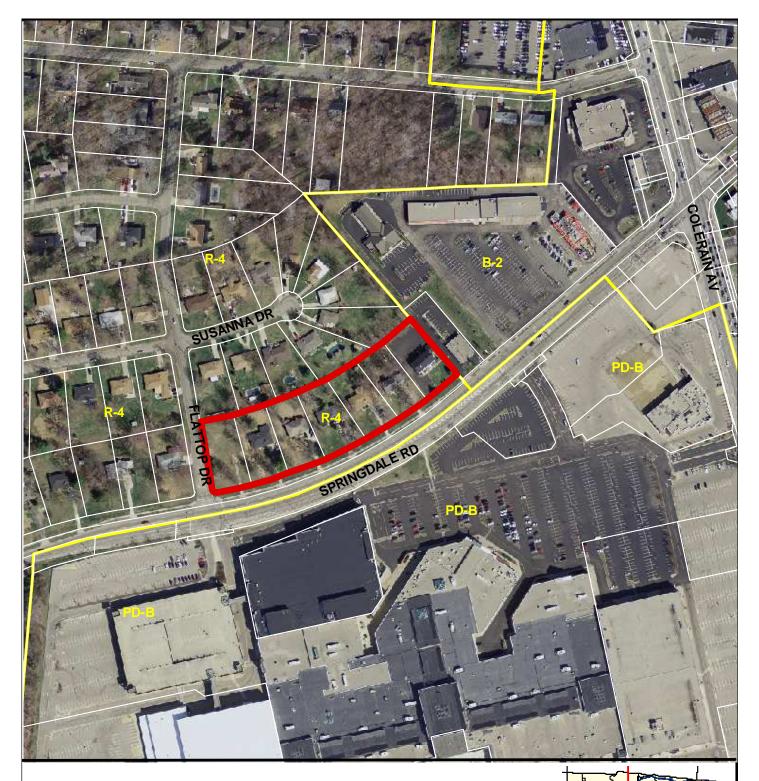
Development Services Administrator

Approved By:

Todd M. Kinskey, AICP

Snyder, AICP

Planning Director



VICINITY MAP

Case: Colerain ZA2015-01

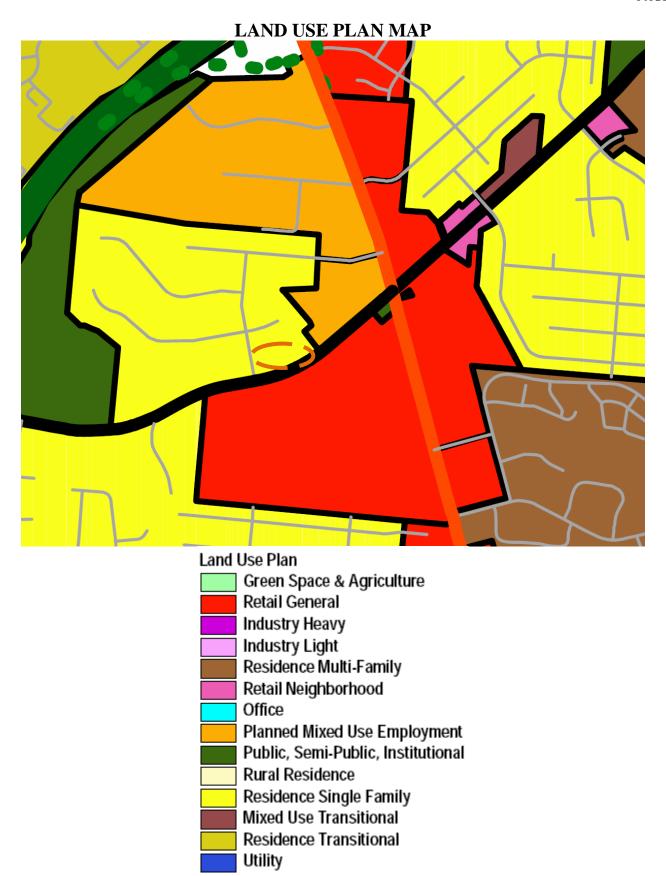
Request: **Zoning Amendment**

Printed: 2/19/2014 Printed By: JOHN HUTH

REGIONAL PLANNING COMMISSION

Delia NE :

Selforts prefer on one of the Characteria geographs of hearth agency (AARS) note improved a particular or proposed or tall it, with remailer the information, in our life in a constitution of the Characteria geographs of the characteria



Note: Land Use Map taken from Colerain Township website, not adopted by RPC

SITE PHOTOS



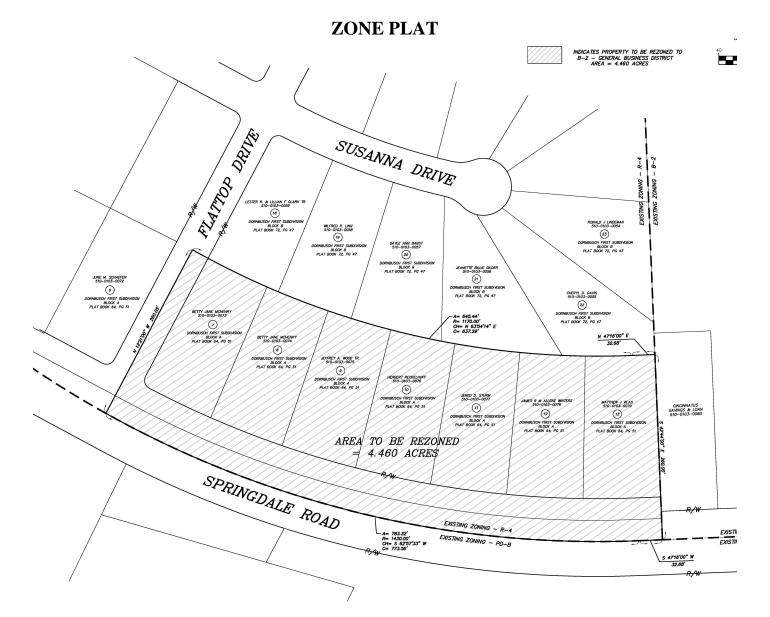
View from site looking north across Springdale Road



View of site looking northeast from the Springdale Road/Flattop Drive intersection



View from site looking southwest from Springdale Road



APPLICANT LETTER



March 11, 2015

Colerain Township Attn: Mr. Geoffrey G. Milz, AICP Director of Building, Planning & Zoning 4200 Springdale Road Colerain Township, Ohio 45251

RE: Application Letter – Zone Map Amendment, R-4 to B-2
North side of Springdale Road west of Flattop Drive (Parcels 510-0103-0073 thru -0079)

Dear Mr. Milz:

Vandercar is applying for a zone map amendment for seven parcels of property located on the north side of Springdale Road and west of Flattop Drive in Colerain Township from R-4 to B-2 for the purpose of redeveloping properties for commercial use.

Please find attached:

- · Completed application form
- Legal description of the property
- Names and addresses of property owners adjacent to the subject property
- Fifteen full-size copies of the Zoning Plat
- Fifteen reduced-size copies of the Zoning Plat

An electronic version of the full application packet has been submitted by email to gmilz@colerain.org. Thank you for your consideration of this zone map amendment application. If we can be of further assistance, please do not hesitate to contact us.

Sincerely, VANDERCAR

Steven Dragon (as agent)

Attachments



HAMILTON COUNTY

Regional Planning Commission

STAFF REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMM ON APRIL 2, 2015 FOR CONSIDERATION BY THE COLERAIN TWP ZONING COMM ON APRIL 21, 2015

TEXT AMENDMENT CASE: **COLERAIN ZA2015-01**

TEXT AMENDMENTS

REQUEST: To amend the Colerain Township Zoning Resolution to revise Article 3 –

Administration

PURPOSE: To revise the language related to the procedural conventions in which the Board

of Zoning Appeals formalizes decisions

INITIATED BY: The Colerain Township Zoning Commission

SUMMARY OF

RECOMMENDATIONS: APPROVAL

PROPOSED AMENDMENT:

The Township is proposing to amend Section 3.3.6 (B) of the Zoning Resolution to no longer require that decisions made by the Board of Zoning Appeals be accompanied by findings of fact in written form. The Township is also proposing to amend the same section to allow the Board of Zoning Appeals to act by motion when 3 members concur rather than resolution as is currently required. These amendments are being proposed because the Township feels the current process is unnecessarily long, slowing down projects that otherwise could have been underway. Being able to give a formal approval or denial of appeals following the hearing would expedite community investments.

ANALYSIS:

There are a number of different ways in which Boards of Zoning Appeals formalize their decisions. This is because the Ohio Revised Code does not go into great detail about the procedural conventions governing said Boards. The ORC states that Township Boards of Zoning Appeals "may ... reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made." However, it does not specify how they must do so.

Currently, the Colerain Township Board of Zoning Appeals conducts a straw poll to informally approve or deny an administrative appeal. Township staff then journalizes the decision into a resolution with accompanying findings of fact for the Board of Zoning Appeals to formally vote on at the next scheduled meeting. If the appellant's case is approved, they can finally begin the project they were requesting to implement. Giving the Board the ability to act by motion as well as resolution would allow it to bypass the journalization process and make the informal decision of the original hearing a formal one.

The ORC does not state whether Township Boards of Zoning Appeals must act by either resolution or motion. Also, previous court history has not indicated that Boards must act by resolution. Staff does not see any issue with allowing the Board to act by motion instead to speed up the appeal process.

Currently, the Colerain Township Board of Zoning Appeals must have written findings of fact accompanying its formal decisions. Removing the language that findings of fact must be in written form at the time of the final decision allows the Board to act at the original hearing. Courts have traditionally held that findings of fact are required as part of a valid record of a decision by Boards of Zoning Appeals. Staff finds that as long as findings of fact are stated by the Board for the record during the hearing, there should be no problem taking action then and there.

CONCLUSION:

Generally, staff supports the modifications to the Zoning Resolution related to the Board of Zoning Appeals. The proposed amendments would be consistent with state law regulations related to Boards of Zoning Appeals and would not likely create any legal issues with the Board's decision-making process. Therefore, staff finds the request to be appropriate.

RECOMMENDED MOTION:

To consider approval of case Colerain ZA2015-01; Text Amendments, a request for approval of zoning text amendments to the Colerain Township Zoning Resolution as initiated by the Colerain Township Zoning Commission.

NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. The report is also prepared in advance of public hearings and often in advance of other agency reviews. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared by:

Development Services Intern

Γimothy∕A. Hawk

Snyder, AICP

Reviewed by:

Development Services Administrator

Approved by:

Planning Director

TOWNSHIP CORRESPONDANCE

MEMORANDUM

DATE: MARCH 11, 2015

TO: HAMILTON COUNTY REGIONAL PLANNING COMMISSION

FROM: GEOFFREY MILZ | DIRECTOR, PLANNING & ZONING

SUBJECT: TEXT AMENDMENT STREAMLINING VARIANCE PROCESS

SUMMARY

Currently, the process for formally adopting a decision of the Board of Zoning Appeals involves: (1) the hearing of the appeal, (2) the making of a motion and a "straw vote" and (3) the journalization of a resolution. This process is unnecessarily long and slows projects that would otherwise be able to get underway. Following a review of several local planning agencies, it appears that this process is not a best practice.

Staff proposes a change that would streamline the process to allow for appellants to have their hearing and, if their appeal is granted, to be issued a zoning certificate the day after the hearing. This change would modify our current process in the following ways: (1) it eliminates the production and journalization of resolutions, (2) approval or denial would be granted by the board in the form of a motion after the hearing on the appeal is held.

The Board of Zoning Appeals has made the necessary changes to their Bylaws to accommodate this change in process.

CASE HISTORY

On February 17, 2015, the Colerain Township Zoning Commission initiated a text amendment to address this issue.

REVIEW REQUESTED

Please accept this memo for Hamilton County Regional Planning Commission review at their April 2, 2015 meeting.

PROPOSED CHANGE

Section 3.3.6 (B) shall be amended as to include the *italicized* language and remove the stricken language:

"The Board shall act by resolution or motion when 3 members concur. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application."